

## **EXHIBIT A**



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In Re: Methyl Tertiary Butyl Ether ("MTBE")  
Products Liability Litigation

PLAINTIFF CITY OF NEW  
YORK'S RESPONSES AND  
OBJECTIONS TO  
DEFENDANTS' WELL  
SPECIFIC DISCOVERY

**This document relates to the following case:**

*City of New York v. Amerada Hess Corp., et al.*, 04 Civ.  
3417

MDL No. 1358  
Master File C.A. No.  
1:00-1898 (SAS)

Plaintiff City of New York ("the City"), by its attorney, Michael A. Cardozo, Corporation Counsel of the City of New York, hereby responds to Defendants' Well Specific Interrogatories and Requests for Production ("Well Specific Discovery"), served from August 1 through August 26, 2008, as follows:

**GENERAL STATEMENT**

1. By responding to the Well Specific Discovery, the City does not concede the materiality of the subject to which it refers. The City's responses are made expressly subject to, and without waiving or intending to waive, any questions or objections as to the competency, relevancy, materiality, privilege, or admissibility as evidence, or for any other purpose, of any of the documents or information produced, or of the subject matter thereof, in any proceeding including the trial of this action or any subsequent proceeding.

2. The City objects to the Well Specific Discovery to the extent that it seeks information or documents outside the scope of discovery permissible under the Federal Rules of Civil Procedure.

3. The City objects to the Well Specific Discovery to the extent that the Well Specific Discovery seeks information or documents covered by attorney-client privilege, the

analytes in a well could reduce Defendants' liability for damages for the costs of addressing MTBE in the well. Nonetheless, notwithstanding and subject to these objections, the City responds as follows: Responsive information concerning costs incurred to install treatment on individual wells, including GAC systems, in the past, can be obtained from documents that have previously been produced by the City, including documents concerning contracts SYSOPS-08 and SYSOPS-09.

Persons knowledgeable include William Yulinsky, NYCDEP Andrew Kuchynsky, NYCDEP, Donald Cohen, Malcolm Pirnie, Marnie Bell, Malcolm Pirnie.

**INTERROGATORY NO. 4:**

Identify, in as much detail as is available, all efforts the City has taken to mitigate damages arising out of MTBE present in Well No. 5.

**RESPONSE NO. 4:**

The City objects to this request as vague and ambiguous, specifically by use of the term "mitigate damages arising out of MTBE" with respect to Well No. 5. The City further objects to this request to the extent it implies that the City has the duty to mitigate damages associated with MTBE contamination in Well No. 5 or that the City could take steps to reduce the concentration of MTBE contamination in Well No. 5. Notwithstanding these objections, and subject to them, the City states as follows: The City will address the presence of MTBE in Well 5 by providing appropriate treatment to address MTBE and enable the City to provide high quality water from Well 5 to consumers when it pumps water from the Well into distribution.

**INTERROGATORY NO. 5:**

Identify each environmental consultant, contractor and/or expert retained by the City to perform an environmental investigation, remediation and/or evaluation at Well No. 5, including:

Persons knowledgeable include Andrew Kuchynsky, New York City Department of Environmental Protection, William Yulinsky, New York City Department of Environmental Protection, Donald Cohen, Malcolm Pirnie, Marnie Bell, Malcolm Pirnie.

**INTERROGATORY NO. 4:**

State in detail all efforts the City has taken to mitigate the damages it claims with respect to Well No. 22, including the dates on which any such efforts were undertaken.

**RESPONSE NO. 4**

The City objects to this request as vague and ambiguous, specifically by use of the term "mitigate the damages it claims" with respect to Well No. 22. The City further objects to this request to the extent it implies that the City has the duty to mitigate damages associated with MTBE contamination in Well No. 22 or that the City could take steps to reduce the concentration of MTBE contamination in Well No. 22. Notwithstanding these objections, and subject to them, the City states as follows: The City will address the presence of MTBE in Well 22 by providing appropriate treatment to address MTBE and enable the City to provide high quality water from Well 22 to consumers when it pumps water from the Well into distribution.

**INTERROGATORY NO. 5:**

Identify the person(s) most knowledgeable regarding the testing for and detection of MTBE in Well No. 22.

**RESPONSE NO. 5**

Ian Hurley, NYCDEP; Donald Cohen, Malcolm Pirnie; Marnie Bell, Malcolm Pirnie; Nicole Brown-Williams, Malcolm Pirnie; and Maryanne Dioquino, Malcolm Pirnie.

**INTERROGATORY NO. 6:**

Identify the person(s) most knowledgeable regarding the reasons for removing Well No. 22 from service.

- (d) each Person knowledgeable as to such expenditures; and
- (e) if any such amounts are attributable to analytes other than MTBE, identify such analytes and the amount of money the City intends to spend which is attributable to them.

**RESPONSE NO. 8:**

See Response No. 7.

**INTERROGATORY NO. 9:**

Identify, in as much detail as is available, all efforts the City has taken to mitigate damages arising out of MTBE present at Well No. 26.

**RESPONSE NO. 9:**

The City objects to this request as vague and ambiguous, specifically by use of the term "mitigate damages arising out of MTBE" with respect to Well No. 26. The City further objects to this request to the extent it implies that the City has the duty to mitigate damages associated with MTBE contamination in Well No. 26 or that the City could take steps to reduce the concentration of MTBE contamination in Well No. 26. Notwithstanding these objections, and subject to them, the City states as follows: The City will address the presence of MTBE in Well No. 26 by providing appropriate treatment to address MTBE and enable the City to provide high quality water from Well No. 26 to consumers when it pumps water from the Well into distribution.

**INTERROGATORY NO. 10:**

Identify each environmental consultant, contractor and/or expert retained by the City to perform an environmental investigation, remediation and/or evaluation at Well No. 26, including:

- (a) the date(s) on which services were retained;

or Well No. 39A. Notwithstanding these objections, and subject to them, the City states as follows: The City will address the presence of MTBE in Well No. 39 and Well No. 39A by providing appropriate treatment to address MTBE and enable the City to provide high quality water from the Wells 39 to consumers. Further responsive information can be obtained from documents that have previously been produced by the City, including documents Bates No. NYC-DS-000001 through NYC-DS-003729.

**INTERROGATORY NO. 8:**

Identify each environmental consultant, contractor and/or expert retained by New York City to perform an environmental investigation, remediation and/or evaluation at Well Nos. 39 and 39A, including:

- (a) the date(s) on which services were retained;
- (b) the date(s) on which services were rendered;
- (c) the purpose for retaining the consultant/contractor/expert; and
- (d) identify all reports generated.

**RESPONSE NO. 8:**

The City objects to these requests as duplicative, overbroad, and burdensome. The City further objects to the use of the vague and ambiguous terms "environmental investigation, remediation and/or evaluation" as this phrase encompasses any number of standard environmental health and safety projects that have no bearing or relevance to this litigation.

Without waiving any objection, the City incorporates by reference its Response to Interrogatory No. 23 of Plaintiff City of New York's Responses and Objections to Defendants' Second Set of Interrogatories to Plaintiff City of New York, dated August 15, 2008. The City

all documents concerning such damages, and identify each person knowledgeable concerning such damages.

**RESPONSE NO. 4:**

The City objects to this request as vague and ambiguous, specifically by use of the term "mitigate the damages it claims" with respect to Well No. 45. The City further objects to this request to the extent it implies that the City has the duty to mitigate damages associated with MTBE contamination in Well No. 45 or that the City could take steps to reduce the concentration of MTBE contamination in Well No. 45. Notwithstanding these objections, and subject to them, the City states as follows: The City will address the presence of MTBE in Well 45 by providing appropriate treatment to address MTBE and enable the City to provide high quality water from Well 45 to consumers when it pumps water from the Well into distribution.

**INTERROGATORY NO. 5:**

Identify the person(s) most knowledgeable regarding the testing for and detection of MTBE in Well No. 45.

**RESPONSE NO. 5**

Ian Hurley, NYCDEP; Donald Cohen, Malcolm Pirnie; Marnie Bell, Malcolm Pirnie; Nicole Brown-Williams, Malcolm Pirnie; and Maryanne Dioquino, Malcolm Pirnie.

**INTERROGATORY NO. 6:**

Identify the person(s) most knowledgeable regarding the reasons for removing Well No. 45 from service.

**RESPONSE NO. 6:**

Thomas Tengelsen, NYCDEP; Andrew Kuchynsky, NYCDEP.

**INTERROGATORY NO. 7:**